

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.1084 OF 2005
IN
NOTICE OF MOTION NO.3196 OF 2005
IN
SUIT NO.2923 OF 2005

Abhilasha Built Art

vs.

1. Rashmikan Chotalal Shah & ors.

Appellants

Respondents

Mr. T.N.Subramanian i/b.M/s.Purnanand & Co. for the appellants.

Mr.Janak Dwarkadas, Senior Counsel with Mr.A.Y.Bookwala and Mr.Vivek Menon, Adocates i/b.M/s.Mahimtura & Co. for the respondents 1 and 2.

Mr.P.K.Samdani with Mr.N.K.Mudnaney for the respondents 3 and 4.

Mr.F.E.D'vitre, Senior Counsel with Mr.G.S.Rao, advocate i/b.M/s.Lax Consultus for the respondents 6 and 7.

CORAM : R.M. LODHA &
D.G. KARNIK, JJ.

DATED : 6th December 2005

P.C.

Heard.

2. After arguing the appeal for some time, Mr.Subramaniam, the learned counsel for the appellants prays for withdrawal of the appeal with liberty to the appellants to agitate the contentions raised in the appeal at the time of the hearing of the notice of motion.

3. The learned counsel for the appellants also prayed

that the plaintiffs may be directed to give inspection of the documents early to enable the appellants to apply for early hearing of notice of motion.

4. The prayer made by the learned counsel for the appellant is fair and reasonable.

5. The original plaintiffs are directed to give inspection of the relevant documents to the appellants (original defendant no.6) within two weeks from today.

6. Taking overall facts and circumstances of the case, we are satisfied that notice of motion no.3196/2005 deserves to be heard at an early date. Accordingly, we grant liberty to the appellants to apply to the learned motion Judge for fixing the early date of hearing of the notice of motion.

7. Needless to say that any observation made in the impugned order shall not influence the decision in the notice of motion as these are only for consideration of ad-interim relief.

(R.M.LODHA, J.)

(D. G. KARNIK, J.)